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Statement by

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Mr. Chairman,

Distinguished members of the Special Committee on Decolonization,
Ladies and Gentlemen,

Firstly, on behalf of the National Council of Maubere Resistance, CNRM, allow me to express our gratitude to the Secretary of the Committee for this invitation to address you today, as the Committee once again reviews the situation in East Timor. I also extend my congratulations to you Mr. Chairman on your election to preside over this Committee.

Allow me please to introduce myself. I am Jose Antonio Amorim Dias, from East Timor. I was previously a student and human rights activist. I spent some time in a prison in Jakarta, having committed the crime of supporting the human rights of our people, so grossly violated by the present Indonesian occupiers of our homeland. After escaping Indonesia, I was appointed CNRM Representative for the European Community Countries by Mr. Jose Ramos Horta, the Special Representative of CNRM. Mr. Ramos Horta regrets not being able to be present to address you here today.

The National Council of Maubere Resistance (CNRM) is based inside East Timor. It is a non-partisan umbrella organisation, encompassing all East Timorese parties, movements and associations, struggling for self-determination and independence of the occupied territory of East Timor.

East Timor, with nearly 19,000 square kilometres of land area and a population of some 700,000 people according to the last figures prior to the Indonesian invasion of 1975, is the largest of the remaining colonial territories on General Assembly's list of Non-Self-Governing Territories to which Resolution 1514 and 1541 are fully applicable.

The right of the people of East Timor to self-determination is beyond any question. The Indonesian invasion led the UN General Assembly and Security Council to adopt several resolutions, such as Res. 384 of 22 December 1975, condemning the invasion and calling upon Indonesia to withdraw its forces without delay from East Timor, and reaffirming the right to self-determination of the people of East Timor. Given the East-West tensions prevailing at the time, this Resolution was outstanding in itself.

Mr. Chairman,

For 18 years Indonesia has contemptuously ignored its international obligations, attempting to deceive the world as to the situation in East Timor after its illegal invasion and annexation of the territory. For 18 years the Maubere people of East Timor have suffered under Indonesia's reign of terror, characterized by massive killings, intimidation, plunder of local wealth and resources, exclusion of the East Timorese from meaningful participation in government, physical and cultural genocide, influx of outside settlers who exacerbate the process of marginalization of the local population and so on. Our people have continued waging a resistance struggle for freedom and independence of our motherland, against the barbarous brutality of the occupiers. The cost in human suffering has been enormous.

Far from heeding international calls to withdraw its forces, or allowing our people to exercise their right to self-determination, Indonesia has attempted to consolidate its military presence in East Timor, forcibly incorporating the territory it calls its 27th Province.

The consistent and systematic violations of human rights which have followed Indonesia's interference in the process of decolonization being carried out by Portugal in 1975, have been well documented. Organisations such as Amnesty International, Asia Watch and many others have published detailed accounts on repeated occasions.

On 12 November 1991 the world was shocked by TV reports of a massacre of over 200 unarmed East Timorese youth at the Santa Cruz cemetery in Dili by the Indonesian military. This sad experience - which we know not to have been an isolated incident as Indonesia attempted to claim after being forced to acknowledge the

massacre- , was but one of the many brutal acts of state-sanctioned murder against a defenseless civilian population which the East Timorese have been forced to endure by Indonesia. Last March the UN Human Rights Commission passed a strong resolution condemning Indonesian human rights violations in East Timor and calling for greater UN involvement in the conflict existing there.

Recently, the illegitimate mock trial of Commander Xanana Gusmao produced further international criticism. Our leader, who at all times has tried to seek a negotiated solution with Indonesia to the East Timor problem has been treated in a totally unacceptable manner. At first crude attempts were made by Indonesia to make him appear as betraying the ideals he has so courageously fought for during 18 years. Then, a political show trial by a Court which had no jurisdiction to try him at all was orchestrated. The trial was denounced for violating even Indonesian legal procedures, such as the Judge's refusal to allow the defendant to read most of his defense statement. The statement was however smuggled out of Indonesia, and I will refer to it below.

Commander Xanana Gusmao has been kept incommunicado since the Court passed its sentence of life imprisonment on 21 May, and no one, not even the International Committee of the Red Cross has been given proper access to him. Resistance sources inside East Timor inform us that he is in bad health, is being kept in isolation in totally sub-standard conditions, and is being tortured.

One month ago, the ICRC was finally forced to suspend its visits to prisoners because of obstacles placed in its way by the Indonesian military, despite assurances from the Indonesian President Suharto that its work in East Timor would not be impeded.

Two weeks ago the plight of East Timorese youth has made headlines all over the world as 7 persecuted students attempted to seek the protection and assistance to leave Indonesia of two foreign Embassies in Jakarta. Last week, 43 United States Senators wrote a letter to President Clinton expressing concern over the continuing widespread human rights abuses in East Timor, asking for greater access to East Timor for international humanitarian organisations and advocating serious negotiations at the United Nations that might alter the unacceptable status quo. These negotiations would be in pursuit of the right of self-determination of the East Timorese people. The Senators stress the long friendship existing between their country and Indonesia, and express the belief that an acceptable solution of the East Timor problem would be in the long term interest of Indonesia. We fully share that view.

Mr. Chairman,
In his defense statement, which the Indonesian Judge refused him to read in Court, Commander Xanana Gusmao has made several very pertinent points which I would like to repeat to you today:

1. Firstly Xanana Gusmao stated:
"The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, a case where the decolonization norms of the UN have been manipulated, a case where Indonesia has disregarded the resolution of the UN, a case therefore where of the flagrant violation of the principles of the Non-Aligned movement, and of the universal pattern of law, peace and justice."

2. Referring to the farcical trial he had been subjected to, Xanana's words are:
"This court claims that it is trying me for crimes committed against the Indonesian state and for the illegal possession of firearms.... [adding] The ones who should be standing before an international court are, in the first place,

* the Indonesian government for crimes committed in the past 17 years in East Timor;
* the US administration which gave the green light to the invasion on 7 December 1975 and have since given military aid and political support for Indonesia's genocide in East Timor;
* the governments of Australia and western Europe for their policy of complicity towards Indonesia;
* and finally, the Portuguese government for its grave responsibility in the decolonization of East Timor.

"The UN recognises as legitimate all means of opposition to the colonial presence in any part of the world where people are fighting for liberation. My struggle and the resistance of my people and of Falintil [the armed forces of the East Timorese resistance movement, the CNRM, the National Council of Maubere Resistance] should be placed in this context, standing above Indonesian law."

3. Referring to the battered Indonesian argument that it intervened in East Timor in 1975 in response to a call by East Timorese fearful of Fretilin domination, and that the subsequent annexation of the Territory was in response to the will of the people, Xanana Gusmao stated:

"This court must surely agree with me that it went too far in saying that Fretilin dared to impose its will on the people and that the afore-mentioned Bali Beach proclamation [the Balibo Declaration, purportedly signed in Balibo, East Timor, by several East Timorese on 30 November 1975, was in fact signed in Bali, Indonesia at the Bali Beach Hotel] expressed the genuine will of the people of East Timor. The court omitted the political element which would have given it the juridical validity on which everyone insists: representation of the will of the majority of the people. This is the conditio sine qua non.

"Until this very moment, the UN does not recognise Indonesian sovereignty over East Timor, a sovereignty which was imposed by the means of force, by the practice of violence and the systematic violation of the most fundamental human rights.

"This court mentioned the date 17 December 1975 as the day of the formation of a provisional government and a local assembly. And since all the Indonesians have forgotten, it is my duty to recall here the tragic day, 7 December of that same year. The 7 December 1975 which witnessed the cowardly and shameful Indonesian invasion, the day on which Indonesian troops indiscriminately massacred the defenseless population of Dili, causing thousands of deaths among the elderly, women and children, including an Australian journalist. "While the Balibo statement was signed with the blood of four Australian journalists who were murdered by Indonesian troops during the attack on the village of Balibo, the so-called Indonesian provisional government was formed over the corpses of the Timorese massacred between the 7 and the 17 of December of that year."

...[he then continued]

"A government which was established to the accompaniment of the sound the sea and land shelling of the defenseless population, to the sound of advancing tanks and canons, can such a government claim any juridical standing? In my opinion, it has the same standing as the advance of the Iraqi troops in Kuwait, the same dimension as the advance of Russian tanks into Kabul, the same character as the Vietnamese invasion of Cambodia."

...[Our Commander Xanana then added in his defense plea]...

"The court said that Fretilin was opposed to the referendum, should the people choose integration. However, quoting the so- called petition, the court mentioned that Arnaldo de Araujo, Guilherme Goncalves, and the president, General Suharto, convinced Parliament to approve in haste integration without any referendum.

"After all, who was it who did not want a referendum, Fretilin or Indonesia? On behalf of which people was that so-called petition signed?

"Today, the Indonesian government can show the world its de facto control of the territory, and claims to be developing the territory which is occupying, while at the same time condemning the ones who were not able to do this, namely Portugal. Is it that because Portugal failed to develop East Timor for four hundred years, we Timorese have had to pay for the errors of one colonizer while also paying for the crimes of the other colonizer?"

...[on this point Xanana concluded that since his capture]...

"I have been lectured a lot about the backwardness of Portuguese colonialism as if I did not lived under that colonialism. They want to show me the development in East Timor as if this were just a matter of statistics, to be compared with the Portuguese colonial period. I should ask whether colonialism can be quantified as good or bad."

Mr. Chairman,

Events of recent years in Eastern Europe, Africa and elsewhere are shaping a new world order which upholds the human right of self- determination. Greenland, Slovenia, Eritrea, Namibia, the Baltic States, the peaceful division of Czechoslovakia and the establishment of a federation in Belgium are examples of implementation of this right, which have overcome potential and actual conflicts contributing to bring peace and stability to the world.

Allow me to appeal to our Indonesian brothers to seek inspiration in this reality. Rather than persevering at their attempted subjugation of our people resorting to elaborate forms of deceit, violence, tortures and killings, they should give us the freedom and peace our people love and justly aspire to. In doing so, Indonesia will only gain. It will regain the respect of the international community, and will benefit from peaceful and cooperative relations

in our region of the world. Indonesia s military leaders have fallen prey to their own myths: if treated justly we will never represent a factor of threat to Indonesian security.

It is the unjust criminal policies of oppression and defiance of international norms of behaviour of the Indonesian military rulers which are the true threats to Indonesian security.

Mr. Chairman,

For several years Commander Xanana Gusmao has been an advocate for the search of a peaceful and just solution for the East Timor problem. He has proposed direct talks with Indonesia under UN auspices, without pre-conditions in order to explore all possible ideas to bring about an end to the conflict. This remains the basic stand of the Resistance, and has been also formally conveyed by Portugal, the Administering Power of East Timor, to the UN Secretary General.

In his defense statement Xanana said in this respect:

"On the day of my capture, in the meeting I had with General Try Sutrisno, I mentioned the question of dialogue with representatives of the people of East Timor. One of the twenty generals who were present and were congratulating each other for the imminence of their easy victory, asked me, furiously: 'Rakyat mana?' [What people?] and when I answered: 'Let's have a referendum,' the Indonesian generals had to swallow their own arrogance. On the next day, 21 November - I was already in Denpasar - when the wife of the local panglima [military commander], surprised by the extent of the support I had, said, after all, many people support him, a high-ranking officer said, 'possibly all the people of East Timor.'"

...[he added]...

"The ambassador to the UN told me: 'The problem is that dialogue as it is conceived by us (and therefore by Jakarta) has its parameters. We do not accept a referendum.'"

...[and]...

"In 1983, during the ceasefire, the [two Indonesian Majors] told us clearly: 'We don t accept a referendum because we know that all the people belong to Fretilin!'"

....[Xanana concluded]...

"In the UN, Jakarta cannot suppress the fact that Portugal is an interested party in the solution of the problem. And so, Jakarta should also never forget that the Maubere people [the people of East Timor] have already demonstrated that the idea, the objective for which they have fought and resisted to this day can never die. People die but ideas stay alive."

....[adding later]....

"I continue to recall the need for dialogue, with the participation of the East Timorese. I have always said to all those who wanted to listen to me that the Maubere people don t like the word, pembangunan [development]. The problem is that it is not free. Freedom is what my people value, the aim of their struggle. Dom Ximenes Belo put it very clearly when he wrote to the UN Secretary-General: We are dying as a people and as a nation."

Mr. Chairman,

Consistent with the above, CNRM's Special Representative Jose Ramos Horta, presented a comprehensive Peace Proposal to the European Parliament in Brussels in April 1992, to the Council on Foreign Relations in New York in May 1992 and later to the UN.

The Peace Proposal is in three phases:

* Phase One, which would last for about two years, would involve all three parties working with the UN to implement a wide range of confidence building measures. These measures will necessarily include a drastic scaling down of the presence of Indonesian troops and weaponry in East Timor, together with the introduction of a significant UN presence in the territory .

* Phase Two, lasting between five and ten years, would be a period of genuine political autonomy under UN supervision and based on ample powers vested in a local, democratically elected People s Assembly.

*Phase Three, the final phase, would see a referendum to determine the final status of the territory.

Jose Ramos Horta said when presenting this plan:

"This is our policy and remains valid. We believe that this represents the best possible prescription for a resolution of the conflict. It allows time for a cooling-off period in which all sides should try to prove their good-faith; it will also allow Indonesia to save face.

"Indonesia should seize the olive branch we are now offering. It has only to gain. It is obvious now that the invasion of East Timor was a colossal mistake: the occupation has sapped so much of Indonesia's energy and resources. If Indonesia withdraws from East Timor, it would be able to regain its international reputation as a peace-loving country and not be threatening to its smaller neighbours . Moreover, an independent East Timor will be an asset for Indonesia, for ASEAN and the whole region in many ways."

Mr. Chairman,

To conclude, I would like to express our hope that the above recommendations may be of help to resolve the colonial status of East Timor.

East Timor, among the last remnants of colonialism in our region, has been a particularly tragic case. It is a painful paradox, in so far that the new colonial power was itself a victim of earlier forms of colonialism. Yet, as a result of the excesses of its armed forces, it has violated the arguments which it itself advanced at the time it sought the support of the international community for its freedom struggle.

Our leader Xanana Gusmao included the following appeals in his defense statement:

* I appeal to the international community to understand that it is time to show that the New World Order is about to begin. This requires acts that will bring to an end the situation inherited from the past.

* I appeal to the Secretary-General of the UN to ensure that the solution he seeks for East Timor is based on universal principles and international law.

* I appeal to the government of Indonesia to change its attitude and to realise that the moment has come to understand the essence of the struggle in East Timor.

In closing, Mr. Chairman, I would also like to appeal to the distinguished members of this committee to persuade Indonesia to accept dialogue with Portugal and the East Timorese in the search for an internationally acceptable solution, along the lines suggested by the CNRM Special Representative. It is time for the Indonesian government to realize that it is not East Timor which is a threat, but Indonesia's past misguided policies towards us which are the greatest damage to its interests and need urgently to be changed.

I thank you Mr. Chairman.